

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellant

v.

Private First Class (E-3)

Erick Vargas

United States Army

Appellee

**MOTION TO EXAMINE
SEALED MATERIAL**

Docket No. ARMY 20220168

Tried at Fort Campbell, Kentucky, on 14 July and 9 November 2021 and 7–9 March 2022, before a general court-martial appointed by Commander, 101st Airborne Division, Colonel Jacqueline Tubbs and Lieutenant Colonel Sasha Rutizer, military judges, presiding.

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES ARMY
COURT OF CRIMINAL APPEALS

COME NOW the undersigned appellate defense counsel, pursuant to Rules 6.9 and 23 of this court’s Rules of Appellate Procedure, and move to examine the following sealed material contained in the record of the above captioned case, which was reviewed by trial counsel and defense counsel at trial, and which was subsequently sealed pursuant to Rule for Courts-Martial 1113: **transcript pages 18–34 and 154–240, and appellate exhibits VII, VII-A, VII-B, X, X-A, X-B, X-C, X-D, XIII, XIV, XVI, XVI-A, XVI-B, XVII, XVII-A, XVIII, and XXX.**

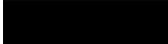
Review of this material is consistent with appellate defense counsels’ obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is reasonably necessary in order for appellee, through counsel, to determine

whether issues exist that merit presentation to this honorable court for consideration as part of the appeal pursuant to Article 62, Uniform Code of Military Justice.

WHEREFORE, appellate defense counsel respectfully request that this court grant the instant motion.

PANEL NO. 2

MOTION TO EXAMINE
SEALED MATERIAL

GRANTED: 

DENIED: _____

DATE: 2 May 2022



SEAN PATRICK FLYNN
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



FOR: BRYAN OSTERHAGE
Major, Judge Advocate
Acting Branch Chief
Defense Appellate Division

Certificate of Filing and Service

I certify that copies of the foregoing were electronically submitted to the Court
and the Government Appellate Division on 28 April 2022.



SEAN PATRICK FLYNN
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division